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10 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

11 THE HACKETT MILLER COMPANY, INC., a  
Nevada corporation,

12 Plaintiff,

13 v.

14 GFOUR PRODUCTIONS, LLC, a Florida limited  
liability company; and SPOTLIGHT RIGHTS,  
15 LLC, a Florida limited liability company,

16 Defendants.

Case No.: 2:16-cv-00418-RFB-NJK

**STIPULATION AND (PROPOSED)  
ORDER FOR (1) EXTENSION OF  
TIME FOR PARTIES TO FILE A  
DISCOVERY PLAN AND  
SCHEDULING ORDER PURSUANT  
TO THE COURT'S ORDER DATED  
JUNE 16, 2017 (Fifth Request)**

17  
18 Plaintiff THE HACKETT MILLER COMPANY, INC. ("Plaintiff"), and Defendants  
19 GFOUR PRODUCTIONS, LLC and SPOTLIGHT RIGHTS LLC ("Defendants"), by and  
20 through their undersigned counsel, hereby stipulate and agree to a fifth extension of time of 7 days  
21 up to and including June 16, 2017, for the parties to file a Joint Discovery Plan and Scheduling  
22 Order with the Court pursuant to the Court's Minute Order dated March 31, 2017 (ECF No. 29).

23 On March 30, 2017, the Court denied without prejudice Defendant's Motion to Dismiss  
24 for (1) Lack of Personal Jurisdiction, (2) Failure to Join a Necessary Party, and (3) Improper  
25 Venue, and (4) Request to Transfer Venue (ECF No. 22) and ordered the parties to engage in  
26 jurisdictional discovery for a period of 60 days commencing March 31, 2017, and to submit a  
27 joint proposed discovery/scheduling order within one week from March 31, 2017.

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1           On April 7, 2017, the parties filed a stipulation to extend the time to file a discovery plan  
2 for 14 days (ECF No. 30) because the parties had reached a settlement framework which would  
3 dismiss the action entirely and wanted additional time to allow the parties to finalize settlement  
4 in the form of a formal written settlement agreement. On April 10, 2017, the Court granted the  
5 stipulation of the parties (ECF No. 31).

6           While Plaintiff's counsel diligently prepared a draft written settlement agreement for  
7 Defendants' review, Plaintiff's counsel was unable to obtain client approval on the draft due to  
8 vacation travel plans by Plaintiff's principals until April 17, 2017. Defendants' counsel provided  
9 proposed revisions to the settlement agreement on April 20, 2017. Because Plaintiff's counsel  
10 required additional time to review and discuss Defendants' proposed changes prior to the revised  
11 deadline to submit a discovery plan, the parties, on April 21, 2017, filed a second stipulation to  
12 extend the time to file a discovery plan for another 14 days (ECF No. 32) to May 5, 2017, which  
13 the Court granted on May 2, 2017 (ECF No. 33).

14           On April 24, 2017, the parties' counsel discussed Defendants' latest revisions to the draft  
15 settlement agreement. While Defendants' revisions raised some additional issues from Plaintiff's  
16 side, counsel for both parties believed that such issues could be worked out among the parties and  
17 agreed to continue trying to work towards a mutually acceptable settlement agreement. While  
18 Plaintiff's counsel worked diligently on further revisions to the settlement agreement that would  
19 address Plaintiff's concerns, Plaintiff's counsel was not able to get client approval on the revised  
20 draft prior to sending it back to Defendants' counsel because Plaintiff's primary principal, whom  
21 Plaintiff's counsel had been working with in connection with these settlement negotiations,  
22 became severely ill and was unable to review and approve the proposed settlement agreement.  
23 Plaintiff's counsel also was scheduled to be outside the country from May 5<sup>th</sup> through May 18<sup>th</sup>  
24 on a two-week vacation that was scheduled back in February (and about which Defendants'  
25 counsel was informed by Plaintiff's counsel on March 30, 2017). For these reasons, on May 3,  
26 2017, the parties filed a third stipulation to extend the time to file a discovery plan for another 21  
27 days to May 26, 2017, as well as a first stipulation to extend the time for the parties to conduct  
28 jurisdictional discovery by 30 days to June 30, 2017 (ECF No. 34), which the Court granted on

1 May 8, 2017 (ECF No. 35).

2 On May 11, 2017, Defendants' counsel wrote back to Plaintiff's counsel with additional  
3 revisions to the draft settlement agreement. Because Plaintiff's counsel was traveling overseas at  
4 this time, Plaintiff's counsel was unable to respond to Defendants' counsel comments about the  
5 revised draft agreement until May 17, 2017. Defendants' counsel prepared a detailed point-by-  
6 point response to each of the issues raised in the correspondence from Plaintiff's counsel.  
7 Defendants' counsel, after having the chance to discuss with Defendants the points raised by  
8 Plaintiff's counsel, responded to Plaintiff's counsel with another revised draft on May 22, 2017.  
9 While most of the issues to be worked out between the parties were relatively minor and both  
10 sides were optimistic that a middle ground could be reached, the parties were not able to agree on  
11 the issue of choice of venue despite Plaintiff's counsel proposing several alternatives as  
12 compromises. Counsel for both parties agreed to try and work towards having the agreement in  
13 final form in all other respects except for the issue of choice of venue and to address that issue  
14 after all other issues had been satisfactorily addressed. On May 23, 2017, after conferring with  
15 Plaintiff, Plaintiff's counsel emailed Defendants' counsel a revised settlement agreement making  
16 some additional minor changes. On May 25, 2017, Defendants' counsel discussed with Plaintiff's  
17 counsel a proposed compromise on the choice of venue issue.

18 In order to give the parties additional time to incorporate language into the agreement  
19 which would be acceptable to both sides as well as to finalize and execute the final written  
20 agreement, the parties on May 26, 2017, filed a fourth stipulation to extend the time to file a  
21 discovery plan for another 14 days to June 9, 2017 (ECF No. 36), which as of the filing of this  
22 Stipulation has not yet been granted by the Court.

23 On May 30, 2017, Defendants' counsel e-mailed to Plaintiff's counsel an updated revised  
24 settlement agreement making some additional revisions to the agreement, including Defendants'  
25 proposed language to incorporate the parties proposed compromise on the choice of venue issue.  
26 Plaintiff's counsel reviewed and revised the language proposed by Defendants and that same day  
27 e-mailed the updated agreement to Plaintiff for review and approval. Unfortunately, as of the date  
28 of this Stipulation, Plaintiff's counsel has not been able to get client approval on the revised draft

1 prior to sending it back to Defendants' counsel. Despite multiple follow-up e-mails by Plaintiff's  
2 counsel, Plaintiff's primary principal, whom Plaintiff's counsel had been working with in  
3 connection with these settlement negotiations, has indicated that she has been so busy attending  
4 to various personal and business obligations, including graduation, final exams, an emergency pet  
5 surgery, and business projects with hard deadlines, that to date she has not been able to review  
6 the latest revised agreement.

7 In light of the parties still not having reached a settlement, Plaintiff's counsel approached  
8 Defendants' counsel about an additional extension of time. While Plaintiff's counsel is still  
9 optimistic that this matter will settle, Defendants' counsel was unwilling to agree to any further  
10 extensions of time relative to the submission of a discovery plan and scheduling order. However,  
11 because the parties have been focused primarily on settlement efforts and need to work out  
12 specific timeframes and deadlines for the proposed discovery plan and scheduling order,  
13 Defendants' counsel agreed to a one week extension of the current deadline to submit a discovery  
14 plan and scheduling order, but only to allow the parties time to focus on preparing and filing a  
15 discovery plan and scheduling order by no later than June 16, 2017. While both sides remain  
16 optimistic that a settlement can be reached based on the current draft agreement, the parties  
17 recognize that until such time as the matter has settled, the parties must move forward with this  
18 case without any further delays.

19 By this Stipulation, the parties request that the deadline to file a joint proposed discovery  
20 plan/scheduling order be extended by 7 days to June 16, 2017. This is the fifth request for an  
21 extension of time by both parties to file the joint proposed discovery/scheduling order.

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1 Good cause exists for these requests because while the parties have been focusing  
2 primarily on efforts to settle the case and remain optimistic that such efforts will be successful,  
3 given that the parties have still not been able to reach a final agreement by today's deadline and  
4 the parties now will be turning their efforts towards moving forward with jurisdictional discovery,  
5 the parties require additional time to work out a discovery plan/scheduling order and proceed with  
6 jurisdictional discovery. For these reasons, this stipulated request is made for good cause and not  
7 for purposes of delay.  
8

9 Dated: June 9, 2017

Dated: June 9, 2017

10 Respectfully Submitted,

Respectfully Submitted,

11 /s/ Ryan Gile

/s/ Jonathan Winter

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22 **IT IS SO ORDERED.**

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25 **RICHARD F. BOULWARE, II**  
26 **United States District Judge**

27 **DATE: June 16, 2017.**